

THIRTY-SEVENTH DAY

(Tuesday, March 31, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father and Lord of all, we each thank You for another day in which we can be a part of Your work. Help us that we may see more clearly Your will and direct our energies and priorities in ways that once again give evidence we are our brothers' keeper. In His name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 1011
S.B. 144
S.J.R. 17
S.B. 806 (Amended)
C.S.S.B. 789
C.S.S.B. 337
C.S.S.B. 501
C.S.S.B. 508
C.S.S.B. 229
C.S.S.B. 520
C.S.S.B. 38
C.S.S.J.R. 5

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 954
S.B. 1054
C.S.S.B. 447

MESSAGE FROM THE HOUSE

House Chamber
March 31, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 150, Relating to the notification of victims before the release of certain prisoners.

H.B. 878, Relating to compensation for certain victims of crime.

H.B. 759, Relating to the authority of a county tax assessor-collector to collect a fee for returned checks.

H.B. 823, Relating to the authority of the School Land Board and the board of regents of The University of Texas System to sell land to the Texas Low-Level Radioactive Waste Disposal Authority.

S.C.R. 82, Designating March 30, 1987, as Mount Pleasant Day.

H.J.R. 48, Proposing a Constitutional amendment to limit school tax increases on the residence homestead of the surviving spouse of an elderly person.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1365 by Brooks Health and Human Services
Relating to the study and selection of disposal sites by the Texas Low-Level Radioactive Waste Disposal Authority.

S.B. 1366 by Brown Criminal Justice
Relating to the establishment of the Texas Board of Prisons and Corrections and Community Supervision and Restitution.

S.B. 1367 by Brooks Health and Human Services
Relating to fire safety requirements for nursing homes, custodial care homes, and similar institutions.

S.B. 1368 by Blake Finance
Relating to exempting newspapers from the sales and use tax.

S.C.R. 83 by McFarland Jurisprudence
Granting JCPenney Casualty Insurance Company permission to sue the State of Texas and the State Board of Insurance.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 309, To Committee on Health and Human Services.

H.B. 474, To Committee on Criminal Justice.

H.B. 527, To Committee on Criminal Justice.

H.B. 557, To Committee on State Affairs.

H.B. 581, To Committee on State Affairs.

CO-AUTHOR OF SENATE JOINT RESOLUTION 8

On motion of Senator Anderson and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.J.R. 8**.

CO-AUTHOR OF SENATE BILL 159

On motion of Senator Anderson and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 159.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 29
H.C.R. 30
H.C.R. 87
H.C.R. 89
H.C.R. 123
H.C.R. 131
H.B. 39
H.B. 652

SENATE RESOLUTION 268

Senator Lyon offered the following resolution:

WHEREAS, It is widely known that Texas produces some of the most beautiful women in the world, and Stephany Samone, Miss Texas 1986, has proven this sentiment true once again; and

WHEREAS, The daughter of Mr. and Mrs. Jack O. Byrd, this charming young woman graduated from W. W. Samuel High School in Dallas, Texas, before attending The University of Texas at Arlington; and

WHEREAS, A talented singer, Miss Samone impressed one and all with her show-stopping rendition of "Stand By Your Man" during the 1986 Miss America Pageant; and

WHEREAS, Winner of the Preliminary Talent Award and named in the Top Ten, she was selected as one of seven state representatives to perform in the 1987 Miss America Troupe; and

WHEREAS, Named Female Vocalist of the Year by the Johnnie High Country Music Revue in 1982 and 1983, Miss Samone has a promising career in the music industry; and

WHEREAS, This accomplished and most lovely young woman is a source of great pride to our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby welcome Miss Stephany Samone to the State Capitol and extend best wishes for future success; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of the admiration of the Texas Senate for this Texas beauty.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Lyon introduced Miss Samone to the Members of the Senate and escorted her to the President's Rostrum for a presentation of S.R. 268 by the President.

SENATE RESOLUTION 267

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize The Mexican-American Student Leadership Council, which is hosting its third annual

conference, Success '87: Profiles in Mexican-American Excellence, featuring distinguished Mexican-American leaders; and

WHEREAS, Since 1888, Mexican-American students have contributed a rich sense of culture, history, and diversity to The University of Texas at Austin; these individuals serve as a very real source of strength, pride, and inspiration for current Mexican-American students; and

WHEREAS, Formed in 1984, The Mexican-American Student Leadership Council is an umbrella organization for 18 Hispanic student groups; dedicated to facilitating communication and cooperation among Mexican-American student leaders, it also provides a leadership base for the Mexican-American student community; and

WHEREAS, Vitally interested in community and campus issues affecting Hispanic students, the council has organized and participated in many different activities, such as the annual Mexican-American student involvement night, which last year acquainted over 250 students with the various Hispanic-oriented campus groups; and

WHEREAS, The council has also arranged a Mexican-American faculty and student mixer on the campus of The University of Texas, has printed a Handbook of Hispanic Organizations, and has assisted the Red Cross in its efforts to provide relief to the Mexican earthquake victims; and

WHEREAS, One of the council's major projects is the Mexican-American Government Involvement Committee (MAGIC) which helped elect the largest number of Mexican-American students ever to serve as student senators in 1986; MAGIC provides strategies, encouragement, and support to Hispanic Student Association candidates; and

WHEREAS, Another important program set up by the council is "Project Leadership," designed to highlight leadership skills, orient students to campus policies, and work closely with the administration and other leaders through a series of seminars and workshops; and

WHEREAS, Through resolute determination and hard work, The Mexican-American Student Leadership Council trains leaders for tomorrow whose talents and abilities will be of enormous benefit to the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby recognize Success '87: Profiles in Mexican-American Excellence for its outstanding contributions to enriching campus life for our state's future leaders with best wishes for a most successful 1987 conference; and, be it further

RESOLVED, That a copy of this resolution be prepared for the council as an expression of appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Truan was recognized and introduced the Capitol Physician for the Day, Dr. Bruce Hoekstra of Corpus Christi.

Dr. Hoekstra was welcomed and received an expression of appreciation for his service from the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
March 30, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5 of the Constitution of the State of Texas and Rules 86 and 87 of the Rules of the Texas Senate, I hereby submit as an emergency matter legislation amending Section 112.058 of the Tax Code and relating to the handling, records, and disposition of protest payments of taxes imposed in certain insurance business.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

**COMMITTEE SUBSTITUTE SENATE BILL 165
ON THIRD READING**

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 165, Relating to smoking in public places or at public meetings; providing penalties.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Green, Johnson, Krier, Leedom, Montford, Parker, Parmer, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brown, Harris, Henderson, Jones, Lyon, McFarland, Sarpalius, Sims.

Absent: Glasgow, Santiesteban.

The bill was read third time and was finally passed viva voce vote.

RECORD OF VOTES

Senators Brown, Harris, Henderson, Jones, Lyon, McFarland, Sarpalius and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 313
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 313, Relating to the offense of providing a tobacco product to a person under the age of 18 years; providing a penalty.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 313** by striking all below the enacting clause and substituting the following:

SECTION 1. Article 4476-16, Revised Statutes, is amended to read as follows:

Art. 4476-16. PROVIDING [SALE OF] TOBACCO TO MINOR. (a) A person commits an offense if the person:

(1) sells, gives, delivers, or barter or causes to be sold, given, delivered, or bartered a cigarette or other tobacco product to a person he knows is under the age of 18 years; or

(2) sells, gives, delivers, or barter or causes to be sold, given, delivered, or bartered a cigarette or other tobacco product to any person, knowing that the person receiving the cigarette or other tobacco product intends to deliver it to a person under the age of 18 years.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person to whom the cigarette or other tobacco product was sold, given, delivered, or bartered presented to the defendant an apparently valid Texas driver's license or an identification card, issued by the Department of Public Safety and containing a physical description consistent with the person's appearance, that purported to establish that the person was 18 years of age or older. [Whoever shall sell, give or barter, or cause to be sold, given or bartered, to any minor under the age of sixteen years, or knowingly sell to another for delivery to such minor, without the written consent of the parent or guardian of such minor, any cigarette or tobacco in any of its forms, shall be fined not less than ten nor more than one hundred dollars.]

SECTION 2. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Parmer offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 313 by striking the words: "gives, delivers, or barter" and "given, delivered, or bartered" in Section (1) and Section (2).

The amendment was read.

Senator Krier moved to table Floor Amendment No. 2.

The motion was lost by the following vote: Yeas 15, Nays 16.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, Montford, Santiesteban, Washington.

Nays: Anderson, Armbrister, Barrientos, Green, Johnson, Lyon, McFarland, Parker, Parmer, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 2, the amendment was adopted viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the adoption of the amendment.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Anderson, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Glasgow, Sims, Washington.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator McFarland asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 313
ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 313 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Jones, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator McFarland asked to be recorded as voting "Nay" on the final passage of the bill.

GUEST PRESENTED

The President introduced his guest, seated at the President's Rostrum, the Honorable Chuck Robb, former Governor of the State of Virginia.

The Senate welcomed this distinguished guest.

**COMMITTEE SUBSTITUTE SENATE BILL 160
ON SECOND READING**

Senator Caperton moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 160, Relating to submission of evidence of financial responsibility on registration and inspection of a motor vehicle and to prosecution for failure to maintain financial responsibility.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Green, Jones, Sims.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Green asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 160 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 160 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Green, Jones, Sims, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Green, Jones and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 478 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment;

C.S.S.B. 478, Relating to the acquiring and granting of interests in and management of personal or real property assets of the state and permanent school fund.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 478 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 478 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 403 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 403, Relating to sanctions that may be ordered by the State Board of Insurance.

The bill was read second time.

Senator Glasgow offered the following committee amendment to the bill:

Amend **S.B. 403** as follows:

1. On page 3, line 26 strike the word "Article" and substitute "Articles, including but not limited to,".
2. On page 3, line 27, insert the following before "5.43-1": "1.14-2, 3.75, 5.13-1,".
3. On page 3, line 27, strike the word "or" following "5.43-3,".
4. On page 3, line 27, insert the following after "5.43-4" and before "of": ", 9.36, 9.43, and 23.23".
5. On page 4, line 1, insert after "Code" the following: "and Sections 15 and 15A of the Texas Health Maintenance Organization Act (Chapter 20A, Insurance Code)".

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 403 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 403** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 917 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 917, Relating to the salaries of certain persons involved in the regulation of financial institutions.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Amend **S.B. 917** as follows:

- (1) On page 2, line 66, insert the word "annual" between the words "The" and "salaries".

(2) On page 3, line 24, insert the word "annual" between the words "The" and "salaries".

(3) On page 3, line 57, insert the word "annual" between the words "The" and "salaries".

The amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 917 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 917 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 916 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 916, Relating to the regulation of trust companies and other corporations exercising trust powers.

The bill was read second time.

Senator Green offered the following committee amendment to the bill:

Amend **S.B. 916** as follows:

Section 6. Trust companies shall be exempted from examination, paid-in capital requirements and other provisions of this Chapter if the Banking Commissioner finds that, upon application, a trust company is an inactive trust company or a trust company which does not transact business with the general public. A trust company that is inactive, or does not conduct business for the general public shall annually certify to the Banking Department its inactive or non-public status. The Banking Commissioner may examine or cause to be examined such trust companies to verify the certification.

The committee amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

Amend **S.B. 916**, SECTION 1, by adding the following as Article 342-1113:

Article 342-1113. Exemptions. The provisions of this Chapter shall not affect or apply to any state or federal credit union doing business in this state provided that such credit union is otherwise authorized to exercise trust powers.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 916 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 916 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 790
ON SECOND READING**

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 790, Relating to the purchasing practices of cities, counties, school districts, and certain other political subdivisions; providing criminal penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 790
ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 790 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 321 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 321, Relating to an exemption from the open records requirements for personal papers and oral histories acquired by governmental bodies for research by scholars and for curriculum and test items developed by state funded educational institutions.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Amend S.B. 321 to read as follows:

Amend Section 19 to read as follows:

(19) oral history interviews, personal papers, rare books, original manuscripts and unpublished letters, and organizational records of non-governmental entities, which were not created or maintained in the conduct of official business of a governmental body and which are held by any private or public archival and manuscript repository for the purposes of historical research.

Strike Section 20.

The committee amendment was read and was adopted viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Amend S.B. 321 to read as follows:

Amend Section 19 and add Sections 20 and 21 to read as follows:

(19) Rare books and original manuscripts which were not created or maintained in the conduct of official business of a governmental body and which are held by any private or public archival and manuscript repository for the purposes of historical research;

(20) Oral history interviews, personal papers, unpublished letters, and organizational records of non-governmental entities, which were not created or maintained in the conduct of official business of a governmental body and which are held by any private or public archival and manuscript repository for the purposes of historical research, to the extent that the archival and manuscript repository and the donor of the interviews, papers, letters, and records may agree to limit disclosure of the item; and

(21) curriculum objectives and test items developed by educational institutions that are funded wholly or in part by state revenue.

The amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 321 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 526 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 526, Relating to the regulation of surplus lines insurance.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend S.B. 526 as follows:

On page 2, strike lines 14-21 and substitute the following:

- “(1) \$2.5 million capital and surplus as of December 31, 1987;
- (2) \$3.5 million capital and surplus as of December 31, 1989;
- (3) \$4.5 million capital and surplus as of December 31, 1991; or
- (4) \$6 million capital and surplus as of December 31, 1992.”

The amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 526 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 526 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**VOTE ON FINAL PASSAGE OF
SENATE BILL 321 RECONSIDERED**

On motion of Senator Armbrister and by unanimous consent, the vote by which S.B. 321 was finally passed was reconsidered.

Question - Shall S.B. 321 be finally passed?

**VOTE ON SUSPENSION OF THREE-DAY RULE
ON SENATE BILL 321 RECONSIDERED**

On motion of Senator Armbrister and by unanimous consent, the vote by which the Three-Day Rule on S.B. 321 was suspended was reconsidered.

Question - Shall the Three-Day Rule be suspended?

**VOTE ON PASSAGE TO ENGROSSMENT
OF SENATE BILL 321 RECONSIDERED**

On motion of Senator Armbrister and by unanimous consent, the vote by which S.B. 321 was passed to engrossment was reconsidered.

Question - Shall the bill be passed to engrossment?

**VOTE ON ADOPTION OF FLOOR AMENDMENT
TO SENATE BILL 321 RECONSIDERED**

On motion of Senator Armbrister and by unanimous consent, the vote by which the floor amendment to S.B. 321 was adopted was reconsidered.

Question - Shall the floor amendment be adopted?

**VOTE ON ADOPTION OF COMMITTEE AMENDMENT
TO SENATE BILL 321 RECONSIDERED**

On motion of Senator Armbrister and by unanimous consent, the vote by which the committee amendment to S.B. 321 was adopted was reconsidered.

Question - Shall the committee amendment be adopted?

On motion of Senator Armbrister and by unanimous consent, the committee amendment was tabled.

Question recurring on the adoption of the floor amendment, the floor amendment was adopted.

The bill as amended was again passed to engrossment by unanimous consent.

SENATE BILL 321 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 321 be again placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Washington, Whitmire.

The bill was again read third time and again finally passed by the following vote: Yeas 30, Nays 1.

Nays: Whitmire.

SENATE BILL 94 REREFERRED

On motion of Senator Caperton and by unanimous consent, S.B. 94 was withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Health and Human Services.

SENATE BILLS REREFERRED

On motion of Senator Caperton and by unanimous consent, the following bills were withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Criminal Justice:

S.B. 238
S.B. 342
S.B. 619
S.B. 740
S.B. 882
S.B. 924
S.B. 1182
S.B. 1308

MEMORIAL RESOLUTIONS

S.C.R. 84 - By Lyon: Memorial resolution for Hazel A. Owens.

S.R. 269 - By Zaffirini: Memorial resolution for Elmo Arnold.

S.R. 270 - By Glasgow: Memorial resolution for Burl G. Lawrence.

CONGRATULATORY RESOLUTIONS

S.R. 264 - By Sarpalius: Extending congratulations to Kevin Bradley Hull.

S.R. 265 - By Sarpalius: Extending congratulations to Roy Edward Turner.

S.R. 266 - By Armbrister: Commending the Bastrop Little League.

S.R. 271 - By Glasgow: Commending Palo Pinto County Tax Assessor-Collector John Winters.

S.R. 272 - By Glasgow: Extending congratulations to Robert English.

S.R. 273 - By Glasgow: Extending congratulations to Derrick Boyd.

S.R. 274 - By Glasgow: Extending congratulations to Scott Carpenter.

S.R. 275 - By Glasgow: Extending congratulations to the Weatherford College Jazz Band.

S.R. 276 - By Glasgow: Commending Larry McMurtry for his contributions to Texas lore and legend.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:15 p.m. adjourned in loving memory of the Honorable Mary Jane Christensen, County Clerk, Galveston County, until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(March 30, 1987)

H.B. 2 (Effective immediately)

THIRTY-EIGHTH DAY (Wednesday, April 1, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Everett Cain, Episcopal Church of the Good Shepherd, Austin, offered the invocation as follows:

Almighty and most merciful God, as we pray for the members of this body, its officers and all those who share in its labors, we remember that You were never in a hurry and never lost "inner peace", even under pressure greater than we shall ever know.

But we are often weary and grow tired. We feel the strain of meeting deadlines, and weaken under frustration.

Give to those gathered here today that peace that refreshes weariness, that this may be a good day with much well done, that this body may say with St. Paul: "I can do all things through Christ who gives me strength."

And Lord, create warmth and love between these members and all who work with them that they may serve not only with their heads but with their hearts. May they be able to disagree without being disagreeable and to differ without being difficult.

In an atmosphere of team spirit, give them freedom to be honest without tension and frank without offense, that in Your spirit they may serve Your people.

In the Name of our Lord Jesus Christ we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.